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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,899	06/19/2003	Scott R. Samuelson	Samuelson-001	6805
31070 7	590 05/18/2005	EXAMINER		
	I. ELLIS, PATENT A	WILSON, K	WILSON, KATINA M	
8680 VIA MALLORCA, SUITE D LA JOLLA, CA 92037			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Ash

	Application No.	Applicant(s)			
	10/600,899	SAMUELSON			
Office Action Summary	Examiner	Art Unit			
	Katina M Wilson ·	2856			
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status					
1) Responsive to communication(s) filed on 10 M	arch 2005.				
2a) ☐ This action is FINAL . 2b) ☒ This	action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) Claim(s) 1-44 is/are pending in the application. 4a) Of the above claim(s) 32-44 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-3,6-10,12-20,22,26-28,30 and 31 is/are rejected. 7) Claim(s) 4-5,11, 21, 23-25 and 29 is/are objected to. 8) Claim(s) 1-44 are subject to restriction and/or election requirement.					
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on 19 June 2003 is/are: a) Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	D⊠ accepted or b)⊡ objected to drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). sected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. §§ 119 and 120					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) U.S. Patent and Trademark Office	5) D Notice of Informal P	(PTO-413) Paper No(s) atent Application (PTO-152) Final.			
	ction Summary	Part of Paper No. 1			

DETAILED ACTION

Response to Arguments

Applicant's election with traverse of group I in the reply filed on March 02 2005 is acknowledged. The traversal is on the ground(s) that claim 31 does not require an audio transducer or light indicator and group I is not a subcombination of group III or group III and group II is not a subcombination of group III. This is not found persuasive because the audio transducer, light indicator and/or electromagnetic transmitter is a type of warning/alarm signal that alerts the operator that the operation has fail, finish, etc. Please note that claims 35,38,39,41,42, group III, are directed to a fluid system (i.e. plumbing network or system, pipe network or system) that employs detection (i.e. leak).

As to the last paragraph, each one of groups includes a limitation of each of the other two groups (i.e. ABbr, Bsp), and by definition is combination/subcombination.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-31, drawn to level detection using an audio transducer/light indicator, classified in class 116, subclass 110, 228.
- Claim 32-33, drawn to electronic moisture detector, classified in class 73, subclass 73.
- III. Claim 34-44, drawn to an apparatus/method for leak detection for a plumbing network, classified in class 73, subclass 40+.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does

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not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because all of group I is not in group II. The subcombination has separate utility such as moisture detection in a tank.

Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because all of group I is not in group III. The subcombination has separate utility such as leak detection.

Inventions II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because all of group II is not in group III. The subcombination has separate utility such as leak detection.

The requirement is still deemed proper and is therefore made **FINAL**.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-10, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowen 5485866.

Bowen teaches a level of fluid indicator comprising a housing/valve assembly 5 having a hole/opening; an insertion member/tank neck 20 attached to the housing/valve assembly; a dowel/filling tube defining a dowel/filling tube longitudinal axis, wherein the dowel/filling tube has a first end and second end, and where the dowel/filling tube is inserted into the housing/valve assembly hole/opening; at least one float/float 38 attached to the dowel/filling tube; a detector switch/upper reed switch 132 and lower reed switch140 having a actuator arm/right and left adjusting rods 142 and 150, wherein the detector switch/upper and lower reed switch is attached to the housing/valve assembly, and wherein the actuator arm/right and left adjusting rods is located proximate the first end of the dowel/filling tube; and visual level indicator 16 (or an audio transducer, col. 4, lines 21-24) attached to the housing/valve assembly (col. 1, lines 15 to col. 8, abstract and figures). Bowen at column 8, lines 14-17, teaches attaching an audio alarm to switch using wire. This meets the limitation of an audio transducer attached to the housing.

As to claim 2, Bowen teaches the insertion member has an insertion member/tank neck hole; wherein the insertion member hole/tank neck is at least Application/Control Number: 10/600,899

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partially aligned with the housing/valve assembly hole/opening; and wherein the dowel/filling tube is inserted through the insertion member hole/ tank neck and the housing hole/valve assembly opening (figs. 1-2, 11-13).

As to claim 3, Bowen teaches/shows the housing hole and the insertion member hole are substantially round and have substantially a same diameter (figs. 1-2, 11-13).

As to claim 8-9, Bowen shows the insertion member has a first and second side face and wherein the first side face is curved around an axis that is substantially parallel to the longitudinal axis of the dowel (figs. 1-2 and 11-13).

As to claim 10, Bowen shows the housing has a lateral surface, and wherein the lateral surface of the housing is curved around a curvature axis that is substantially parallel to the longitudinal axis of the dowel, and a wherein the curvature axis is substantially collinear with the longitudinal axis of the dowel (figs. 1-2, 11-13).

A to claim 27, Bowen teach visual indication where the at least a portion of the material is transparent 48 (col. 4, lines 22-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 16 and 26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bowen.